

Curtis Sobel (CS-0964)  
Sobel & Kelly, P.C.  
Attorneys for Defendant  
White Castle Management Co.  
464 New York Avenue, Suite 100  
Huntington, New York 11743  
(631) 549-4677

JUDGE PRESKA

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

08 CV 0973

MARJORIE MILLS DIXON,

Index No.: 303867/2007

Plaintiff,

- against -

NOTICE OF FILING OF  
NOTICE OF REMOVAL

WHITE CASTLE MANAGEMENT CO.,

Defendant(s).

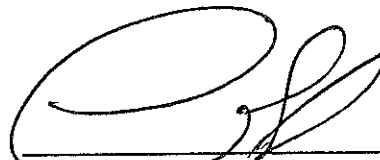
To: Clerk of the Court  
Supreme Court of New York  
County of Bronx  
851 Grand Concourse  
Bronx, New York 10451

RECEIVED  
08 FEB - 6 PM 3:35  
COUNTY CLERK  
BRONX COUNTY

SIR:

PLEASE TAKE NOTICE that on January 30, 2008, 2008, the annexed Notice of Removal was filed with the Clerk of the United States District Court for the Southern District of New York, removing the above-captioned civil action to the United States District Court for the Southern District of New York and that no further proceedings shall be taken in this action unless remanded.

Dated: Huntington, New York  
January 29, 2008



Curtis Sobel (CS-0964)  
Sobel & Kelly, P.C.  
Attorneys for Defendant  
WHITE CASTLE MANAGEMENT CO.  
464 New York Avenue, Suite 100  
Huntington, New York 11743  
(631) 549-4677

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

MARJORIE MILLS DIXON,

Plaintiff,

-against-

WHITE CASTLE MANAGEMENT CO.,

Defendants.

Index No. 303867-07

Plaintiff designates

**BRONX**

County as the place of trial

The basis of the venue is

**Plaintiff's Residence**

**SUMMONS**

Plaintiff resides at

**1010 Bryant Avenue**

County of Bronx

To the above named Defendant

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Bronx, New York  
December 14, 2007

*Mark B. Rubin*

Attorney(s) for Plaintiff

**MARK B. RUBIN, ESQ.**

Post Office Address

3413 White Plains Road

Bronx, New York 10467

(718) 231-1515

07 DEC 21 AM 10:53  
COUNTY CLERK  
BRONX COUNTY

RECEIVED

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

MARJORIE MILLS-DIXON,

Plaintiff,

-against-

**VERIFIED COMPLAINT**

Index No.:

WHITE CASTLE MANAGEMENT CO.,

Defendant.

Plaintiff, complaining of the defendant by her attorney, Mark B. Rubin, respectfully alleges:

FIRST: That upon information and belief at all times hereinafter mentioned,  
the defendant was a domestic corporation.

SECOND: That upon information and belief at all times hereinafter mentioned,  
the defendant was a foreign corporation doing business in the State of New York.

THIRD: That upon information and belief at all times hereinafter mentioned,  
the defendant was a partnership doing business in the State of New York.

FOURTH: That upon information and belief at all times hereinafter mentioned,  
the defendant was an individual proprietorship doing business in the State of New York.

FIFTH: That upon information and belief at all times hereinafter mentioned  
the defendant was the owner of White Castle located at 550 East Fordham Road, Bronx, New York.

SIXTH: That upon information and belief at all times hereinafter mentioned,  
the defendant its agents, servants, and/or employees operated White Castle located at 550 East  
Fordham Road, Bronx, New York.

SEVENTH: That upon information and belief at all times hereinafter mentioned,  
the defendant Donut, its agents, servants, and/or employees managed White Castle located at 550

EIGHTH: That upon information and belief at all times hereinafter mentioned, the defendant Donuts, its agents, servants, and/or employees maintained White Castle located at 550 East Fordham Road, Bronx, New York.

NINTH: That upon information and belief at all times hereinafter mentioned, the defendant Donut, its agents, servants, and/or employees controlled White Castle located at 550 East Fordham Road, Bronx, New York.

TENTH: That on the 26<sup>th</sup> day of October, 2007, while this plaintiff was lawfully, carefully and properly exiting White Castle, located at 550 East Fordham Road, Bronx, New York, where the ramp meets the blacktop, in the parking lot thereof, she was caused to and did fall, causing her to suffer and sustain the severe and serious injuries hereinafter alleged.

ELEVENTH: That the aforesaid occurrence was due by reason of the negligence of the defendant, it's agents, servants, employees, designees, representatives, licensees and lessees, in owning, operating, managing, maintaining and controlling the aforesaid premises in a careless, reckless, dangerous, negligent, improper, imprudent and wanton manner; in causing, creating, permitting, maintaining and suffering the area where the accident occurred to be inadequately and improperly constructed and/or designed; in causing the area where the accident occurred to be, remain, and exist in a broken, cracked, raised and depressed condition, containing breaks, cracks, holes, gaps between where the ramp meets the blacktop and changes in level, thereby causing, creating, permitting, maintaining, and suffering the said area to be, remain and exist in an unsafe, impassable, dangerous and defective condition so as to imperil anyone lawfully using the same; in failing to repair, or in improperly repairing the said area; in causing, creating, permitting,

maintaining, and allowing the said area to be, remain and exist in an improper, dangerous and defective manner so as to greatly increase the danger and hazard to persons traversing same; in failing to remedy said condition although defendant knew, or should have known of the same by the exercise of reasonable inspection, observation and care; in failing to give the plaintiff any warning of the unsafe, impassable and dangerous condition; in having, hiring, and/or retaining in its employ inadequate, incompetent and/or insufficient help; in violating the applicable, statutes, rules, ordinances and regulations in such cases made and provided, and the defendant was otherwise negligent.

TWELFTH: That by reason of the foregoing, plaintiff was caused to suffer and sustain severe and serious injuries in and about her head, face, body and limbs, some of which are believed to be permanent, thereby rendering her sick, sore, lame and disabled, causing her to suffer, and she still suffers, and upon information and belief, she will in the future suffer great physical pain, mental anguish and suffering, causing her to be confined to her bed and/or home for a great length of time; in causing her to be unable to pursue, and she is still unable to fully pursue her usual vocation and activities, and upon information and belief, she will in the future, be unable to perform her usual vocation and activities; in causing her to expend divers sums of money on her behalf, and she will, upon information and belief, in the future, be caused to expend divers sums of money for medical aid and assistance in an effort to cure herself of her injuries, all to her damage in an amount in excess of the upper jurisdictional limit of all lower courts.

WHEREFORE, plaintiff demands judgment against the defendant in in an amount in excess

disbursements of this action.

*Mark B. Rubin*

MARK B. RUBIN

Attorney for Plaintiff

Office & P.O. Address

3413 White Plains Road

Bronx, New York 10467

(718) 231-1515

STATE OF NEW YORK, COUNTY OF BRONX

ss:

[X]

Marjorie Mills Dixon being sworn says: I am plaintiff in the action herein; I have read the annexed *Complaint*

Individual  
Verification

know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

*X Marjorie Mills Dixon*  
(Print signer's name below signature)  
Marjorie Mills Dixon

Sworn to before me on *December 14, 2007*

*Mark B. Rubin*

MARK B. RUBIN  
Notary Public, State of New York  
No. 02RU4839597  
Qualified in Westchester County  
Commission Expires January 31, 2010

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX  
MARJORIE MILLS DIXON,

Plaintiff,

-against-

Index No.

WHITE CASTLE MANAGEMENT CO.,

Defendant,

**SUMMONS AND VERIFIED COMPLAINT**

MARK B. RUBIN  
Attorney for Plaintiff  
3413 White Plains Road  
Bronx, New York 10467  
(718) 231-1515

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: ..... Signature: .....

Service of a Copy of the within ..... Print Signer's Name: .....

Dated: ..... is hereby admitted.

PLEASE TAKE NOTICE ..... Attorney(s) for .....

☐ that the within is a (certified) true copy of a  
entered in the office of the clerk of the within named Court on 2003

Notice of  
Entry

☐ that an Order of which the within is a true copy will be presented for settlement to the Hon.  
one of the judges of the within named Court,

Notice of  
Settlement  
at  
on

Dated: ..... at ..... M.

To: .....

Attorney(s) for

MARK B. RUBIN, ESQ.  
Attorney for Plaintiff (s)  
3413 White Plains Road  
Bronx, New York 10467  
(718) 231-1515



State of New York - Department of State  
Receipt for Service

Receipt #: 200801030221

Date of Service: 12/31/2007

Service Company: 37 UNITED CORPORATE SERVICES - 37

Cash #: 200801030176

Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 307 OF THE BUSINESS  
CORPORATION LAW

Party Served: WHITE CASTLE MANAGEMENT CO.

Plaintiff/Petitioner:

DIXON, MARJORIE MILLS

Service of Process Address:

Secretary of State  
By AMY LESCH

